IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.Rev.Pet.No. 491 of 1996()

CRRP.29/1993 of SESSIONS COURT, TRIVANDRUM
MC.14/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, ATTINGAL

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REVN. PETITIONER: RESPONDENT/CR.PETITIONER

M.M.BASHEER, PUTHENVILA VEEDU
KUNNUVARAM, MUDAPURAM, KIZHUVALAM VILLAGE
CHIRAYANKIL TALUK, REPRESENTED BY POWER OF ATTORNEY
HOLDER P.ABDUL LATEEF, S/O. KUNJI MUHAMMED
RESIDING AT THEKKE ATHIKOTTU PARAMBATH
VENGERI P.O., CALICUT

BY ADV. SRI.N.GOVINDAN NAIR
SRI.P.PARAMESWARAN NAIR

RESPONDENTS: REVISION PETITIONER/PETITIONER

NUHUKANNU RAMLA BEEVI
NAJEENA MANZIL
EDAVILAKATHU MURI
VAILOOR VILLAGE
THIRUVANANTHAPURAM

BY ADV. SMT.V.P.SEEMANDINI (SR.)
SRI.M.S.UNNIKRISHNAN
BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.No.491/1996

ORDER ON CRL.M.P.NO.1882/1996 IN CRL.R.P.NO.491/1996

DISMISSED

20.3.2007 Sd/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.491 of 1996

Dated this the 20th day of March, 2007

ORDER

The revision petitioner is the counter petitioner in M.C.14/91 instituted by the respondent bank seeking reliefs under the Muslim Women (Protection of Rights on Divorce) Act, 1986. A sum of Rs.2,15,500/- was claimed altogether, Rs.15,000/- towards maintenance during the Iddath period, Rs.1,00,000/- towards fair provision, Rs.30,000/- towards Acharam amount, Rs.25,000/- paid to the counter petitioner for procuring job abroad, Rs.500/- towards costs of watch given to the petitioner, Rs.5,000/- Mahar agreed to be paid and Rs.40,000/- towards the cost of gold ornaments allegedly appropriated by the counter petitioner.

2. The appellate court in revision applications filed by both sides disposed of the matter, allowing the application in part filed by the petitioner and directed to pay an amount of Rs.4,500/- as maintenance for Iddath period, a sum of Rs.1,00,000/- as reasonable and fair provision and Rs.40,000/-

towards the value of the 20 sovereigns of gold ornaments and Rs.501/- under Section 31(b) of the Act towards acharam amount received.

3. The evidence adduced in the matter consisted the testimony of PW's 1 to 3 and Exts. P1 to P6, at the instance of the petitioner in the M.C. and CPW's 1 and 2 and Exts. B1 and B2 produced at the instance of the counter petition/revision petitioner. It has came out from evidence adduced in the matter that the revision petitioner is employed in the Middle East and his monthly salary is over Rs.20,000/- per month and that he has got also immovable properties from which he is deriving income. The courts have concurrently found that the evidence adduced in the matter do established the case of the respondent/petitioner in the M.C. The courts below have considered the evidence adduced in the matter in a meticulous manner. It is found that the amount claimed towards fair provision is only reasonable. The amount claimed towards the value of 20 sovereigns as Rs.40,000/- was allowed as claimed. The rest of the claims were also allowed with proportionate reduction considering the evidence adduced in the matter. In view of the concurrent

findings of the court below, I find that there is no scope for interference in exercise of the revisional jurisdiction of this court.

In the circumstances revision petition is dismissed. The order of the appellate court is confirmed.

K.R.UDAYABHANU,
JUDGE

csl